

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**ESSAR STEEL ALGOMA, INC., et al.**  
**Plaintiff,**

**v.**

**SOUTHERN COAL SALES  
CORPORATION**  
**Defendant.**

**Case No. 1:17-mc-00360-AT**

**MOTION FOR LEAVE TO FILE  
AMENDED ANSWER,  
AFFIRMATIVE DEFENSES,  
AND COUNTERCLAIM**

Defendant, Southern Coal Sales Corporation (“SCSC”), by counsel, and pursuant to Rule 15(a) of the Federal Rules of Civil Procedure and the Court’s Memo Endorsement dated April 25, 2019, respectfully requests leave to file its Amended Answer, Affirmative Defenses and Counterclaim to the Second Amended Complaint for Breach of Contract (the “SAC”) filed by Plaintiff, Essar Steel Algoma Inc. (“Algoma Canada”). A supporting Memorandum is submitted herewith.

May 20, 2019

Respectfully submitted,

/s/ Richard A. Getty

RICHARD A. GETTY (*admitted pro hac vice*)

DANIELLE HARLAN (*admitted pro hac vice*)

and

MARCEL RADOMILE (*admitted pro hac vice*)

THE GETTY LAW GROUP, PLLC

1900 Lexington Financial Center

250 West Main Street

Lexington, Kentucky 40507

Telephone: (859) 259-1900

Facsimile: (859) 259-1909

E-Mail: rgetty@gettylawgroup.com

E-Mail: dharlan@gettylawgroup.com

E-Mail: mradomile@gettylawgroup.com

And

PHILIP D. ROBBEN  
and  
MELISSA E. BYROADE

KELLEY DRYE & WARREN LLP  
101 Park Avenue  
New York, New York 10178  
Telephone: (212) 808-7800  
Facsimile: (212) 808-7807  
E-Mail: probben@kelleydrye.com  
E-Mail: mbyroade@kelleydrye.com

COUNSEL FOR DEFENDANTS,  
SOUTHERN COAL SALES CORPORATION,  
JAMES C. JUSTICE COMPANIES, INC., JAMES  
C. JUSTICE COMPANIES, LLC, BLUESTONE  
INDUSTRIES, INC., BLUESTONE COAL  
CORPORATION, BLUESTONE MINEAL, INC.,  
BLUESTONE ENERGY SALES  
CORPORATION, A&G COAL CORPORATION,  
TAMS MANAGEMENT INC., ENCORE  
LEASING LLC, BLUESTONE RESOURCES  
INC., JUSTICE FAMILY FARMS, LLC AND  
SOUTHERN COAL CORPORATION

**CERTIFICATE OF SERVICE**

I hereby certify that on May 20, 2019, I electronically filed the foregoing Motion For Leave To File Amended Answer, Affirmative Defenses, And Counterclaim with the Clerk of Court using the CM/ECF System, which will automatically send e-mail notification of such filing to all counsel of record.

/s/ Richard A. Getty  
COUNSEL FOR DEFENDANTS